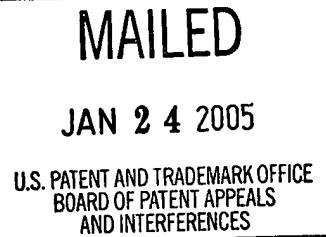


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte R. MICHAEL MCGRADY
and R. BARRIE SLAYMAKER, JR.



Application No. 09/428,035

ORDER RETURNING UNDOCKETED APPEAL

This application was received electronically at the Board of Patent Appeals and Interferences on December 1, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

Appellant filed an Information Disclosure Statements (IDS) filed December 22, 2000. It is not clear from the record that the Information Disclosure Statement dated December 22, 2000, has been considered or fully acknowledged. Further, it appears that the required Form 1449 is missing from the record. The examiner needs to consider the Information Disclosure Statements and acknowledge such consideration.

Accordingly, it is

ORDERED that the application is returned to the examiner for:

1) consideration and proper response to the Information Disclosure Statement filed

December 22, 2000;

2) to acquire the corresponding Form 1449, which is missing from the record; and

3) for any further action as deemed appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e. abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



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RA05-0174

Application No. 09/428,035

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